

REMARKS

Claims 1-16 are currently pending. In the current Office Action, mailed July 10, 2008, claims 1, 4, 6, 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265, hereinafter "Ozaki") in view of Wolcott et al. (U.S. Patent No. 7,158,945, hereinafter "Wolcott"). Claims 3, 7-8, 11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki in view of Wolcott and Homma et al. (U.S. Patent No. 6,950,126, hereinafter "Homma"). Claims 2 and 10 are rejected under 35 USC 103(a) as being unpatentable over Ozaki in view of Wolcott and Ogino (JP11-168646, hereinafter "Ogino"). Claims 5 and 13 are rejected under 35 USC 103(a) as being unpatentable over Ozaki in view of Wolcott and Chen (U.S. Patent No. 5,530,432, hereinafter "Chen").

As a preliminary matter, Applicant thanks the Examiner for his consideration of Applicant's response to the prior office action. As a result, the Examiner has withdrawn his prior rejection of the claims, and acknowledged that Ozaki and Homma fail to disclose changing to a camera mode. Moreover, by withdrawing the rejection of the pending claims those two references do not and cannot alone render the pending claims obvious. In this latest Office Action, the Examiner now principally relies on the combination of Ozaki and Wolcott to render the claims obvious. However, as explained below, Wolcott, as well as the other cited references, are insufficient to render the claims obvious inasmuch as each of those references fails to disclose outputting a "predetermined announcement sound" "**when**" the portable terminal has been changed to or the user has selected "**camera mode.**" While Wolcott casually references an audible sound, it does not expressly or inherently disclose an audible sound that is created when the portable terminal is changed to or the user selects camera mode. Indeed, Wolcott is apparently never changed to camera mode as it is always a camera, unlike the claimed portable

terminal. For this reason, and the other reasons discussed in more detail below, none of the pending claims are rendered obvious by the cited prior art.

Additionally, the Examiner has apparently overlooked or failed to expressly address certain arguments previously made by Applicant's with respect to prior art as applied to the dependent claims. Applicant restates those arguments in this response and requests the Examiner's consideration of Applicant's arguments as directed to Homma, Ogino and Chen. To the extent not restated herein, Applicant incorporates by reference those prior arguments in their entirety. As explained below, those prior art references fail to disclose the elements recited in the dependent claims contrary to the Examiner's arguments.

Independent Claim 1 and Its Dependent Claims

The Examiner acknowledges that "Ozaki does not expressly disclose changing to a camera mode." To address this deficiency in Ozaki, the Examiner relies on Wolcott and asserts that "Wolcott et al. teach a camera having different modes, wherein audible sounds are made when the user changes modes (column 11 lines 60-62, obviously as audible announcement)." Based on that teaching in Wolcott, the Examiner concludes that "... it would have been obvious... to incorporate making audible announcement when changing modes taught by Wolcott et al. into the announcement method of Ozaki for mode change announcement purpose."

However, as acknowledged by the Examiner, Wolcott is directed to a camera "having different modes." Specifically, Wolcott discloses that "The camera user interface can also include... miniature speaker (not shown) which makes audible sounds... when the user changes modes..." (column 11, lines 59-63). In other words, Wolcott suggests a **camera** that produces a sound when different modes are entered. Wolcott fails to expressly identify or even suggest that the state in which the camera is ready to take a picture or video is one such changed

mode. In this respect, the following modes are disclosed in Wolcott: the "camera owner information mode" (column 9, lines 2-3 and column 12, lines 65-66), the "print camera owner information mode" (column 14, lines 21-22), and the "test print mode" (column 14, lines 24-25) are mentioned in Wolcott et al.

None of those modes would suggest Applicant's claimed invention. The "camera owner information mode" is a mode which allows displaying personal digital data, such as the name, the address, and a digital image of the camera owner or the customer's designee, on a display device of the camera (column 8, last paragraph to column 9, first paragraph). The "print camera owner information mode" and the "test print mode" are merely modes of a digital printer 400 (see FIG. 5), that is, they are not modes of the camera (see FIG. 3). Moreover, the "print camera owner information mode" is a mode which allows printing the personal digital data. The "test print mode" is a mode in which a test print is performed in order to test the operation of the digital printer 400 (column 14, lines 18-28).

In the same manner as Ozaki, Wolcott neither discloses nor suggest the technical idea of claim 1 which is to **change the portable terminal to a camera mode** which uses an image-capturing section. As acknowledged by the Examiner, both Ozaki and Wolcott merely relate to a camera, not a portable terminal that would be changed to a camera mode. Therefore, even if one skilled in the art were to incorporate the teachings of Wolcott into Ozaki, at most those references would result in a camera wherein the functionality of the camera could be changed by, for example, entering the owner information mode. In other words, the cited prior art fails to disclose a predetermined announcement sound when the portable terminal has been changed to a camera mode which uses an image-capturing section.

Moreover, Wolcott fails to suggest the benefit of the portable terminal in claim 1 in that the camera of Wolcott teaches making an audible sound each time the camera is changed

to one of the described modes. In contrast, the invention as recited in claim 1 outputs a predetermined announcement sound when the portable terminal has been changed to a camera mode (i.e., when the camera mode has been selected). Therefore, one can recognize that the portable terminal has been changed to the camera mode.

For the foregoing reasons, claim 1 is not rendered obvious by the combination of any of the cited prior art, including the combination of Ozaki and Wolcott as argued by the Examiner. For the same reasons, none of the claims dependent on claim 1, claims 2-6, are rendered obvious by that combination.

The Examiner acknowledges that dependent claims 2, 3 and 5 are not rendered obvious by the combination of Ozaki and Wolcott. In the case of claim 3, the Examiner further relies on Homma to render claim 3 obvious. As explained in a prior response, Homma is inadequate to render claim 3 obvious. Homma does not disclose outputting a predetermined announcement sound in response to a change to the camera mode. Rather, in Homma, only an incoming call is announced. The portable terminal of Homma does not detect a change to the camera mode and does not announce that the device has been changed to the camera mode. As explained in Homma, it is an object of the invention to "provide a camera, having a communication ability and ability of announcing an incoming call by vibration, which does not receive bad influence from the vibration." Homma at Col. 1, lines 62-65. In other words, the device of Homma is concerned with an incoming call interfering with the taking of pictures or video, not with privacy. To that end, the device is programmed to vibrate in response to incoming calls during video mode.

In claim 3, the announcement sound is output from one of a speaker and an ear speaker. In Homma, there is no announcement sound, only vibration. Thus, Homma when combined with Ozaki and Wolcott does not disclose or suggest the portable terminal of claim 3.

In rejecting claim 5, the Examiner further relies on Chen. As explained in a prior response, Chen is directed to a "photo monitoring apparatus which detects ambient light intensity and gives visual and audio warning signal when the intensity of ambient light drops below a predetermined value." Chen at Col. 1, lines 5-9. Chen is not directed to a portable terminal having a camera mode and a communication mode. Indeed, Chen is not even directed to a camera. Accordingly, Chen fails to disclose that the change in light intensity is used to trigger an alarm when changing to a camera mode. The Office Action provides no basis why it would have been obvious to incorporate the photo monitoring apparatus of Chen with the cameras of Ozaki and Wolcott to arrive at the method and portable terminal of claim 5. Thus, claim 5 is not rendered obvious by the combination of Ozaki, Wolcott and Chen.

In rejecting dependent claim 2, the Examiner combines Ozaki, Wolcott and Ogino. As previously discussed, claim 2 is not rendered obvious for the same reason that claim 1 is not rendered obvious. In addition, claim 2 recites that the predetermined announcement sound is output each time a fixed period of time has elapsed in camera mode. Ogino does not disclose such a timing section for outputting the predetermined announcement sound. Furthermore, Ogino does not cure the deficiencies in Ozaki and Homma and therefore does not render obvious claim 2.

Independent Claim 9 and its Dependent Claims

The Examiner's rejection of claim 9 is the same as its rejection of claim 1. Therefore, claim 9 is not rendered obvious by the combination of Ozaki and Wolcott for the same reasons that claim 1 is not rendered obvious. For the same reasons, claims 10-14, which depend from claim 9, are not rendered obvious by the combination of Ozaki and Wolcott.

In rejecting dependent claim 10, the Examiner further relies on Ogino. As discussed above, with respect to claim 2, Ogino does not disclose the timing section of claim 10.

Thus, Ogino when combined with Ozaki and Wolcott cannot render claim 10 obvious on this separate ground.

In rejecting dependent claim 11, the Examiner further relies on Homma. Claim 11, like claim 3, is not rendered obvious by the addition of Homma.

In rejecting dependent claim 13, the Examiner further relies on Chen. For the same reasons, that claim 5 is not rendered obvious by the addition of Chen, as discussed above, claim 13 is not rendered obvious by the combination of Ozaki Wolcott and Chen.

Independent Claims 7 and 15 and Their Dependent Claims

The Office Action addresses independent claim 15 before addressing independent claim 7. In rejecting claim 15, the Examiner argues that, like claim 9, most of the elements of claim 15 are shown by Ozaki and Wolcott. As discussed above, Ozaki and Wolcott fail to disclose the portable terminal of claim 15 for the same reasons those references fail to disclose the portable terminal of claims 1 and 9. However, the Examiner acknowledges that Ozaki and Wolcott fail to disclose "outputting a predetermined announcement sound when and image-capturing button has been half-pressed." For this absent teaching, the Examiner again relies on Homma. (See Prior Office Action). The Examiner asserts anew that the announcement of Ozaki can be outputted in detecting half-pressed signal instead of full-pressed signal by designer's preference, "especially for the objective of making public warning prior to a camera shot" and that "it would have been obvious... to incorporate detecting half-pressed button in camera mode taught by Homma et al. into the announcement method of Ozaki and Wolcott et al., in order to trigger public warning prior to a camera shot".

However, none of Ozaki, Wolcott and Homma disclose or suggest matters relating to a warning prior to a camera shot and certainly not in connection with the detection of a half-pressed button. As admitted by the Examiner, Ozaki and Wolcott do not disclose or

suggest the technical idea of half-pressing a button. In addition, as explained in the responses to the previous Office Actions, even Homma fails to mention half-pressing a button. Column 7, lines 49-60 of Homma et al. pointed out by the Examiner merely mention the technical idea of fully depressing a start button 5. As previously explained, Homma discloses detecting that a start button is **fully** depressed in order to determine whether a camera is in a state of shooting. Therefore, the Examiner's assertion of "detecting half-pressed button in camera mode taught by Homma et al." is incorrect

Therefore, even if one of ordinary skill in the art combined Ozaki, Wolcott and Homma, it would not result in the portable terminal of claim 15. In other words, Ozaki, Wolcott and Homma do not disclose a portable terminal wherein after it has been detected that the camera mode has been selected, and when it has been detected that the image-capturing button has been half-pressed, a predetermined announcement sound is output. In addition, the advantageous effect resulting from such a distinctive technical idea, that is, it is possible to announce to surrounding people the possibility that image capturing has started, before an image is captured, could not have been obtained from the combination of Ozaki, Wolcott and Homma.

For the foregoing reasons, claim 15 and claim 16, which depends from claim 15, are not rendered obvious by the combination of Ozaki, Wolcott and Homma.

In rejecting claim 7, the Examiner reasserts the arguments he makes with respect to claim 15. Accordingly, claim 7 and claim 8, which depends from claim 7, are not rendered obvious by Ozaki, Wolcott and Homma for the same reasons that claim 15 is not rendered obvious by those references.

For at least the reasons set forth above, Applicant respectfully submits that this patent application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

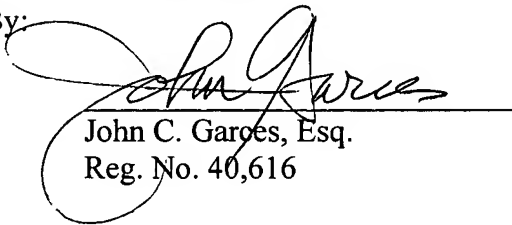
Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0048.

Respectfully submitted,

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